

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

LISA ORVIS, a single woman and
others similarly situated,

Plaintiff,

vs.

SPOKANE COUNTY, a municipal
corporation,

Defendant.

No. CV-10-424-RMP

ORDER GRANTING JOINT
MOTION FOR FINAL
APPROVAL OF PROPOSED
CLASS ACTION SETTLEMENT,
INCENTIVE AWARDS AND
ATTORNEYS' FEES AND
COSTS

THIS MATTER comes before the Court, pursuant to the Order of this Court, ECF No. 41, on the joint application of the *Settling Parties* for approval of the settlement set forth in the *Class Action Settlement Agreement* dated as of February, 13, 2012 (the "*Settlement Agreement*" or the "*Agreement*"), ECF No. 41. Having determined that due and adequate notice has been given to the *Settlement Class* (as defined in the *Agreement*, ECF No. 41-1) as required in the Court's Order at ECF No. 41, and the Court having considered all papers filed and having heard from the parties in Spokane, Washington, on June 11, 2012, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

ORDER ~ 1

1 1. This Order incorporates by reference the definitions in the
2 *Agreement*, and all italicized terms herein shall have the same meanings as set
3 forth in the *Agreement*.
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5 2. This Court has jurisdiction over the subject matter of this action and
6 over all members of the *Settlement Class*.
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8 3. The notice given to *Class Members* and the other matters set forth in
9 the *Agreement* was the best notice practicable under the circumstances, including:

10 (i) individual *Mailed Notice* to all *Class Members* who could be identified
11 through reasonable effort based upon Spokane County records, and Advanced
12 Address Searches for *Class Members* whose *Mailed Notice* was returned as
13 undeliverable; and (ii) *Publication Notice* twice in the *Spokesman Review*. Said
14 notice provided due and adequate notice of these proceedings and of the matters
15 set forth in the *Agreement*, including the proposed *Settlement*, to all persons
16 entitled to such notice, and said notice fully satisfied the requirements of Rule 23
17 of the Federal Rules of Civil Procedure and due process.
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19 4. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this
20 Court **hereby approves** the *Settlement* as set forth in the *Agreement* and the
21 proposed *Plan of Allocation* as set forth in the *Mailed Notice*. The Court finds that
22 said *Settlement* and the *Plan of Allocation* are, in all respects, fair, reasonable and
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adequate with respect to the *Settlement Class*, and directs that the *Settlement* be consummated in accordance with the terms and conditions set forth in the *Agreement* and the *Plan of Allocation*. The Court hereby Orders, Adjudges and Decrees that the *Settlement Agreement* is binding on the *Named Plaintiff*, the *Settlement Class*, and the *Defendant* according to its terms.

5. *Class Counsel* are **hereby awarded**, from the *Settlement Amount*, attorneys' fees in the amount of \$83,623.35, and the reimbursement of their expenses in the amount of \$1,205.50. Both amounts are to be paid in accordance with the terms and conditions of the *Agreement*.

6. The Court has considered the request that it award an *Incentive Award* to the *Named Plaintiff*, Ms. Orvis, in this action. The Court **grants** the request on the basis of its finding that Ms. Orvis has been an active, cooperative class representative who has placed her incarceration history available for public scrutiny for the benefit of the class. Accordingly, the Court approves an *Incentive Award* of \$10,000.00 for Ms. Orvis. The *Incentive Award* shall be paid in accordance with the terms and conditions of the *Agreement*.

7. As orally discussed and ordered at the hearing on June 11, 2012, the *Agreement* shall be modified pursuant to this Order, only with respect to the provision governing reversion of unallocated funds to the County. Namely,

1 reversion of funds shall take place at the conclusion of **60 days** from the
2 resolution of any and all appeals of this Order and subsequent judgment in this
3 matter.

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5 8. The Court hereby dismisses this action in its entirety as to
6 *Defendant*, Spokane County, with prejudice and without costs (except as
7 otherwise provided in the *Agreement*).

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9 9. This Order is a final judgment in the action as to all claims among
10 the *Defendant*, on the one hand, and the *Named Plaintiff* and all *Class Members*,
11 on the other.

12
13 10. Without further order of the Court, the parties may agree to
14 reasonable extensions of time to carry out any of the provisions of the *Agreement*.

15 **IT IS SO ORDERED.**

16 The District Court Clerk is directed to enter this Order, provide copies to
17 counsel, enter judgment as set forth above, and **close the file** in this case.

18
19 **DATED** this 11th day of June 2012.

20
21
22 s/ Rosanna Malouf Peterson
23 ROSANNA MALOUF PETERSON
24 Chief United States District Court Judge
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